

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO. 1:04CR-249-CAP</b>
	)	
<b>GREGORY C. KAPORDELIS,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S PROPOSED  
VOIR DIRE QUESTIONS**

**GROUP QUESTIONS**

1. The indictment in this case alleges in four different counts that Dr. Kapordelis used a minor (someone under the age of 18) to make pictures or a video of what the law refers to as “sexually explicit conduct”, which includes both actual acts of sex and certain pictures which are lascivious. The three other counts of the indictment allege that he possessed or received child pornography over the Internet. Understanding that these are the charges in the indictment, is there any juror who believes that he or she cannot be a fair and impartial juror?

2. There will be evidence in this case that Dr. Kapordelis has engaged in sexual relations with males in the past. Understanding that this will be undisputed evidence in this case, is there any juror who believes that he or she cannot be a fair and impartial juror?
3. Also undisputed in this case is the fact that Dr. Kapordelis knowingly possessed some legal (i.e., adult) pornography. Does this lead any juror to believe that he or she cannot be a fair and impartial juror?
4. Does anybody here believe that homosexuality is morally wrong?
5. Does anybody here believe that sexual conduct outside of marriage is morally wrong?
6. Does anybody here believe that any type of sex other than sex between a man and woman in the missionary position is inappropriate?
7. Does anybody here believe that it is unacceptable for two adult males to marry?
8. If you were asked to vote on a Constitutional amendment which would permit two men to join in a civil union, who would vote against such an amendment?
9. Does anybody believe that consensual sexual relations between a man in his thirties or forties and an 18 year old woman is morally wrong?

10. Does anybody here know what the word “feltching” is?
11. Does anybody here not know what the word “fellatio” is?
12. Does anybody believe that consensual sexual relations between a male in his thirties or forties and an 18 year old male is morally wrong?
13. During the course of this trial, I expect that both parties will be showing you explicit images of sexual conduct, either on a video, or in a still picture. There will be depictions of sexual intercourse between males and females of all ages (including adults with minors and minors with each other); depictions of hard-core sexual conduct between two or more males and two or more females; there will be depictions of anal sex between males and between males and females, there will be depictions of oral sex between males and females and between males; there will be depictions of “feltching.” Knowing this, does anybody feel that he or she cannot be a fair and impartial juror?
14. I also anticipate that during the trial, in addition to images of sexual conduct, there will be shown to you photographs of naked adult males, minor males, adult females and minor females. Knowing this, does anybody feel that he or she cannot be a fair and impartial juror?
15. Does anybody believe that the laws are too lenient when it comes to issues of sexual conduct, including the possession of pornography?

16. Does anybody here know what the legal age of consent in Georgia is?
17. Does anybody here *not* have a computer?
18. Does anybody here not have an internet connection at their home?
19. Has anybody here *not* seen pornography on his or her computer?
20. Has anybody here not seen pornography at all in their lives?
21. Has anybody here ever seen (by accident or on purpose) child pornography at any time?
22. Does anybody here not know what a “pop-up” is?
23. Does anybody here not know what “spam” is?
24. Does anybody here not have an e-mail account?
25. Does anybody here not know what a “Google search” is?
26. Does anybody here not know what an “Internet search” is?
27. Does anybody believe that viewing legal pornography on a computer is immoral, or that it should be outlawed?
28. Has anybody known somebody in your family, or a close friend, who has spent money downloading pornography using a computer?
29. Does anybody here believe that he, or she, or a member of your family has been the victim of a sexual offense, such as child molestation, rape, incest, or sexual assault?

30. Does anybody here have a family member who is a homosexual or may have participated in “gay sex” even if not a homosexual?
31. Does anybody here believe that homosexuals should not be allowed to adopt children even if they are otherwise qualified?
32. Has anybody here traveled to Prague, Czech Republic?
33. Has anybody ever traveled to Greece?
34. Has anybody ever traveled to South Africa?
35. Has anybody ever traveled to Russia or the U.S.S.R.
36. Has anybody here not traveled outside the United States?
37. Has anybody here not traveled outside of the Southeast?
38. Has anybody here never been on an airplane?
39. Has anybody ever purchased copies of Hustler, Playboy, or other adult magazines?
40. Does anybody believe that such magazines – that is, magazines that can be purchased legally in adult book stores, or even convenience stores – should be banned or outlawed?
41. Has anybody here ever been a member of a group of any kind, including a neighborhood organization that has lobbied or advocated for closing down an adult book store or a nude dance club?

42. Does any member of the jury panel believe that any nude photograph is automatically “lascivious” or illegal?
43. Does any juror *not* have photographs in his or her home that includes a naked picture of one of the kids in the bathtub, or something innocent like that?
44. Does any juror believe that by looking at a person in a video, he or she can tell the exact age of the person?
45. Does every juror agree that particularly as adolescents, people age or mature at different rates, so that two fifteen year olds or two eighteen year olds might actually look years different?
46. Is there any juror here who does not believe that it is possible for a person who looks 14 or 15 in a photograph or video (or even in person for that matter) may actually be 18, 19 or 20 years old?
47. Does any juror have a teenage family member who looks much younger than his/her actual age?
48. Has anybody ever heard anything about this case, either in the past, or recently in any news accounts, either newspaper or television?
49. I will read to you a list of potential witnesses. Please let me know if any of these names are familiar to you or if you may even think there is a possibility that you know one or more of these people:

- a. Kris Briscoe
- b. Lester Andrews
- c. Chris Williams
- d. Dr. Bob Jennings
- e. Deno Contos
- f. Cory Brant
- g. Alberto Prieto
- h. James Fottrell
- i. OTHER GOVERNMENT WITNESSES

50. Does anybody here know David Nahmias, Aaron Danzig or Robert McBurney in any way?

51. Does anybody know anybody who works in this building, either in the US Attorney's office, or for any of the judges or any of the agencies that are located in this building?

52. Does anybody know anybody who works for the Department of Homeland Security, including Immigration and Customs Enforcement, sometimes referred to as "ICE"?

53. Has anyone here heard of the "Duke Lacrosse Scandal"?

54. Has anyone here heard of a local case involving a woman named Kathryn Johnston?

### INDIVIDUAL QUESTIONS

1. Please state the age and occupation of your spouse and your children.
2. Please state where you currently work, including your job duties and identify any prior employment for the past ten years?
3. Do you have any training in computer technology? That is, do you have more than “I am a person who uses computers” knowledge?
4. Have you or any member of your family ever been employed in any law enforcement capacity, including any prosecutor’s office, or any police agency, state or federal (INS, DEA, FBI, GBI, police, Customs, sheriff, etc).
5. What is your educational background?
6. Any military training?
7. Ever been arrested or accused of any crime?
8. Any member of your family ever been arrested or accused of a crime?
9. Having heard the general questions that were asked of the entire panel, are there any matters that you would feel more comfortable talking about privately, rather than in front of the entire group?

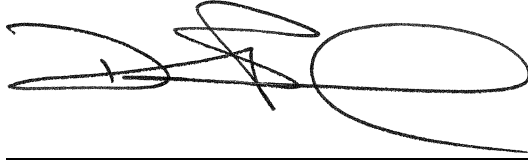


10. Can you tell me what recent news story (in the past year) most interested you?

This 1<sup>st</sup> day of May, 2007.

Respectfully submitted,

GARLAND, SAMUEL & LOEB, P.C.

A handwritten signature in black ink, appearing to read 'DFS', with a long horizontal flourish extending to the right.

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DONALD F. SAMUEL  
Ga. State Bar #624475


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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 1<sup>st</sup> day of May, 2007, I have served a true copy of the within and foregoing *Defendant's Proposed Voir Dire Questions* upon Aaron Danzig and Robert McBurney, Assistant United States Attorneys, via electronic filing.



\_\_\_\_\_  
DONALD F. SAMUEL  
Ga. State Bar 624475